United Nations E/CN.6/2019/NGO/125

Economic and Social Council

Distr.: General
27 November 2018

Original: English

Commission on the Status of Women
Sixty-third session
11–22 March 2019
Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century"

Statement submitted by La Manif Pour Tous, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

18-20334 (E) 211218 211218

Please recycle

Statement

[Original: French]

Women and girls the world over are the principal victims of a thriving business: the reproductive industry. These companies, agencies and networks take in billions of dollars every year by confiscating women's reproductive freedom, hiring them under surrogacy contracts.

These companies, agencies or networks promise legally drawn up, "ethical" contracts, supposedly very different from those offered by mafia-like networks in some countries. In reality, any surrogacy contract, regardless of the circumstances and conditions, constitutes exploitation of women for the benefit of others.

As it considers women mere breeders of children, surrogacy can never be "altruistic": its very principle is intrinsically sexist.

Women who are used as surrogate mothers are bound to life-long contracts, covering their most intimate relations as well as their life in society. The terms of such contracts are always skewed and to the disadvantage of the surrogate mother, since they are designed for the benefit of the agencies' clients. The (very common) problems that arise are invariably resolved for the benefit of those who pay, namely the agency's clients.

Surrogacy contracts are in violation of the Convention on the Elimination of All Forms of Discrimination against Women.

They also violate the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Trafficking in Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

The women involved do not know their rights, receive no advice and must deal with the demands of clients and agencies entirely on their own; accordingly, they are wholly at the mercy of companies that tempt them with large sums of money but hide the extreme risks they are taking, for example by being surrogate mothers several times over. The companies also conceal the totally subservient position women unwittingly place themselves in by signing the contract. Once it has been signed and the pregnancy begun, surrogate mothers are at the mercy of the clients' demands. There is no going back.

All women who voluntarily hire themselves out under surrogacy contracts are vulnerable, whether because of their economic or educational status or from a familial or psychological standpoint. They are the defenceless victims of unscrupulous groups that are solely concerned with large profits — made, at women's expense, by biologists, doctors, salesmen, clinics, and others.

Kelly, an American surrogate mother, bore witness to this exploitation in the documentary #BigFertility produced by the Center for Bioethics and Culture. She was gulled by the false promises of the agencies she contacted, all of which offered her surrogacy contracts they claimed were "ethical" and in no way exploitative.

But all of her surrogacy experiences were disastrous for herself, her family and her finances. She was taken advantage of by an array of decision-makers, who reaped substantial profits thanks to her and in the process robbed her of her most intimate freedom, that of childbearing: having been on the verge of death during a surrogate pregnancy, she is no longer able to bear children of her own.

Kelly is one of the surrogate mothers who have fallen victim to the fertility market. There are, unfortunately, thousands more around the world who tell the same

story: victims of exploiters, mired in surrogacy contracts that are always to their disadvantage, with no one to warn, defend or shield them.

Given this situation, which worsens day by day, Member States must guarantee women access to social protection services so that they are alert to the danger and can avoid being exploited as brood stock.

It is up to governments to take over from the many associations that have been working for years on the ground to protect women from surrogacy contracts. Only governments can build on and consolidate the work already done: by enhancing women's social protection, guaranteeing access to a public service open to all citizens, and doing whatever it takes to ensure that precarity, ignorance or despair do not drive women to hire out their wombs to the highest bidder.

Member states know how to unite to protect their citizens against the greed of large corporations. The reproductive industry is one of the greatest dangers in the path of women, and especially girls, the future prey of networks that hypocritically masquerade as "ethical" undertakings.

It would be a fond illusion to hope that the goals of Agenda 2030 can be achieved while such activities are allowed to flourish and tens of thousands of women and girls are left by the wayside. Member States need to take a firm stand against surrogacy contracts of whatever kind, even allegedly "ethical" ones. Sustainable development will not be possible otherwise.

A coordinated worldwide ban on all forms of surrogacy would ensure that development meets the needs of the present without jeopardizing the prospects of future generations, in a resilient world where everyone has their place.

Sustainable development cannot be achieved while ignoring all these women who are now being exploited or may be in the future.